



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 5, 1997

Ms. Betsy Elam
Taylor, Olson, Adkins, Sralla
& Elam, L.L.P.
500 Throckmorton Street
3400 Bank One Tower
Fort Worth, Texas 76102-3821

OR97-2651

Dear Ms. Elam:

On behalf of the City of Kennedale (the "city"), you ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 111280.

The city received a request for information concerning Don's Scrap Metal. You assert that the requested information is excepted from required public disclosure based on section 552.108 of the Government Code.

Section 552.108 of the Government Code reads in pertinent part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

You state:

The information is held by the prosecutor and deals with the investigation and prosecution of a crime, more specifically a zoning ordinance violation. The release of the requested information would interfere with the prosecution of the crime. In addition, the requestor is attempting to circumvent the criminal discovery rules by attempting to obtain this information through the Public Information Act.

We do not believe you have established how the requested information would interfere with the prosecution of a zoning ordinance violation. Accordingly, the city may not withhold the requested information from the requestor based on section 552.108 of the Government Code. *See* Open Records Decision No. 363 (1983).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Hastings". The signature is fluid and cursive, with the first name "Kay" being more prominent.

Kay Hastings
Assistant Attorney General
Open Records Division

KHH/rho

Ref.: ID# 111280

Enclosures: Submitted documents

cc: Mr. Eric Elam
349 Kennedale Sublet Road
Kennedale, Texas 76060
(w/o enclosures)